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March 5, 2025

Via ECF

The Honorable Steven Tiscione  
United States Magistrate Judge for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Nolan v. City of New York et al., Case No. 19-cv-00187-RPK-ST


Dear Judge Tiscione:

This office represents Plaintiff William R. Nolan in the above-referenced action brought against Defendants, the City of New York (“the City”), and various individuals, for alleged violations of, *inter alia*, Plaintiff’s First, Second, Fourth, Fifth, Sixth, and Eighth Amendment rights. We write now, to respectfully follow up on Plaintiff’s February 11, 2025 request (ECF 108), for the Court’s entry of its Report and Recommendation for non-answering Defendant Jose Rodriguez to “be held in contempt and ordered to pay monetary sanctions as well as the attorney fees and costs Plaintiff has expended in attempting to secure compliance with the subpoena.” ECF 105.

As the Court knows, on May 30, 2024, the Court granted Plaintiff’s motion to compel Mr. Rodriguez to produce all documentation requested in Plaintiff’s subpoena *decus tecum*. ECF 91. Plaintiff’s subpoena requested documents essential to discovery in this matter that are of interest to both Plaintiff and the City, including, *inter alia*, correspondence between Mr. Rodriguez and others that concerning Plaintiff, communications between Mr. Rodriguez and the City, and social media posts concerning the subject matter of Plaintiff’s allegations. *See* ECF 90-1. Following the Court’s grant of Plaintiff’s motion, Mr. Rodriguez refused to comply with the Court’s Order, necessitating Plaintiff to move by Order to Show Cause to request Mr. Rodriguez be held in contempt. *See* ECF 97-98. On July 29, 2024, the Court issued the Order to Show Cause (ECF 99), and scheduled an in-person hearing to take place on August 8, 2024. Following Mr. Rodriguez’s

failure to appear at the August 8, 2024 hearing, the Court entered its August 9, 2024 Minute Entry (ECF 105), stating that it will recommend that Mr. Rodriguez be held in contempt and ordered to pay monetary sanctions as well as attorney fees and costs that Plaintiff has expended in attempting to secure compliance with the subpoena. Subsequently, on February 11, 2025, Plaintiff filed a letter motion for an extension of time to complete discovery (ECF 108), which also requested the Court's entry of its Report and Recommendation concerning Mr. Rodriguez. The same was discussed at the Motion Hearing held by the Court on February 18, 2025. *See* ECF 109. However, since the Court's February 19, 2025 Order (ECF 109), granting Plaintiff's request for an extension of time to complete discovery, the Court has not entered any Report and Recommendation to hold Mr. Rodriguez in contempt. Thus, Plaintiff respectfully requests the entry of the Court's Report and Recommendation, so that Plaintiff may continue to pursue the subpoenaed documents within the current discovery deadlines set by the Court.

We thank the Court for its attention to this matter.

  
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Andrew C. Weiss, Esq.  
*For the Firm*

To: All counsel of record (*via ECF*)